

AMENDED

Application No. **76923**

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office **APR 09 2008**

Returned to applicant for correction **APR 15 2008**

Corrected application filed **APR 28 2008** Map filed **FEB 17 2004** under **70845**

The applicant Lee A. Pearson

HC 74 Box 260

Street Address or P.O. Box

of Pioche.

City or Town

Nevada 89043

State and Zip Code

hereby make(s) application for permission to appropriate

the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water applied for is 5.4 c.f.s. second feet.
One second foot equals 448.83 gallons per minute.
 - (a) If stored in reservoir give number of acre-feet _____
3. The water to be used for irrigation and domestic
Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated 320
 - (b) Stockwater, state number and kind of animals _____
 - (c) Other use (describe fully in No. 12) _____
 - (d) Power:
 - (1) Horsepower developed _____
 - (2) Point of return of water to stream _____

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)
in the SW 1/4 SE 1/4 Section 4, T. 3N., R. 70E., M.D.M. or at a point from which the southeast corner of said Section 4 bears S 88 degrees 44' 21" E 1960.55'.
6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)
SE 1/4 Section 4, T. 3N., R. 70E., M.D.M.; NE 1/4 NW 1/4, NW 1/4 NE 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Section 9, T. 3N., R. 70E., M.D.M.

7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)
Well, pump, motor, pipelines, and irrigation systems
9. Estimated cost of works: \$ 75,000.00
10. Estimated time required to construct works: 3 yrs.
(If well completed, describe works.)
11. Estimated time required to complete the application of water to beneficial use: 4 yrs.
12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)
This is for a Desert Land Entry. Water will irrigate fields and provide domestic water for home.

13. Miscellaneous remarks:

Please see attached statement regarding the status of the above mentioned Desert Land Entry, along with supporting documents from the BLM. USE MAP # 70845.

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E-mail Address

(775) 962-1551 or (775) 962-1522
Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

By

Lee A. Pearson
Type or print name clearly
Lee A. Pearson
Signature, applicant or agent
HC 74 Box 260
Company Name
Pioche, NV 89043
Street Address or P.O. Box
City, State, Zip Code

\$250 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Mark Sivazlian, Staff Engineer
DIVISION OF WATER RESOURCES
April 23, 2008
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AMMENDED APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE
OF NEVADA NUMBER 76923

Item #13:

78268

Upon receiving ruling # 5781 and learning that my applications # 59837 and # 70845 were denied on the basis of my Desert Land Entry #N-~~72868~~ (N-58613) being non-existent, I contacted the Ely BLM office to verify this assertion. On Monday, September 24, 2007, and on Tuesday, September 25, 2007, I met with Jeffery Weeks of the Bureau of Land Management who reassured me that my DLE was still pending and who requested a copy of ruling # 5781 for his review. This was mailed to Mr. Weeks on September 27, 2007. Mr. Weeks sent a letter to Mr. Reed Hamilton of the Division of Water Resources on October 11, 2007 stating that my case file N-78268 was still pending. I received no further correspondence from the Division of Water Resources. This clarification from the BLM was sent in a timely manner, and I feel that my original water application should be reinstated as the ruling was made upon the mistaken premise that the DLE case file was closed. This was in no way due to lack of diligence on my part. I have made this new filing in the interest of moving forward with my DLE, but would like this statement to serve also as a protest to Ruling # 5781, and an appeal for the reinstatement of Applications #59837 and #70845.

Signed: _____



Lee A. Pearson

Date: _____

April 23, 2008